

PATENT PCT

Attorney Docket No.: A-70685/DPM/MAK

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Donald JAFFREY

Serial No.: 09/869,544

Filing Date: 22 June 2001

For: *Electrically Conductive  
Ceramics*

Examiner: Not Yet Known

Group Art Unit: Not Yet Known

CERTIFICATE OF MAILING

I hereby certify that this correspondence, including listed enclosures, is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Box PCT, Assistant Commissioner for Patents, Washington, D.C. 20231 on 19 July 2002.

Signed: *Todd V. Leone*

Todd V. LEONE

REQUEST FOR CORRECTED FILING RECEIPT AND  
REQUEST FOR REFUND OF OVERCHARGED FILING FEES

Box PCT  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

The above-identified U.S. patent application was filed on 29 June 2001 via Express Mail as a U.S. national phase application of Australian PCT Application No. PCT/AU99/01140. Although the specification as originally filed with the PCT application contained multiple dependent claims, an Article 34 Amendment was duly filed on 27 March 2001 prior to U.S. national phase entry. Said Article 34 Amendment eliminated multiple dependent claims, thus establishing total claims at 25 and independent claims at 4. At the time of filing, all necessary fees were paid by check, including the fee for late filing of the Declaration.

Because a signed Declaration was not included with the U.S. national phase filing on 29 June 2001, a Notice of Missing Requirements Under 35 U.S.C. 371 in the United States Elected/Designated Office (DO/EO/US) was mailed 13 August 2001. Said Notice of Missing Requirements stated in error at § 4 that additional fees were due because of multiple dependent claims.

**Serial No.:** 09/869,544  
**Filing Date:** 22 June 2001

We prepared and on 12 October 2001 filed a response to said Notice of Missing Requirements. In our Transmittal of Missing Requirements (copy attached), we pointed out that the Article 34 Amendment of 27 March 2001 which eliminated all multiple dependent claims had not been taken into account by the U.S. Patent and Trademark Office and that, in light of said Article 34 Amendment, no additional filing fees were due. After a telephone conversation on 5 December 2001 between my secretary, Todd Leone, and Examiner Barbara A. Campbell, we faxed on that same date a copy of the International Preliminary Examination Report to Examiner Campbell per her request, evidencing the filing of said Article 34 Amendment. Copies of the amended pages submitted with the Article 34 Amendment were provided with the fax, including the amended claims pages evidencing the absence of multiple dependent claims.

Nonetheless, our Deposit Account No. 06-1300 was erroneously debited for excess claims fees and a multiple dependent claim surcharge in the amount of \$324.00. Subsequent attempts to rectify this overcharge via telephone have proven unsuccessful.

We attached hereto a copy of the Transmittal Letter and check as originally filed on 29 June 2001 showing full payment of the filing fees in the amount of \$1,300.00 for 25 total claims, 4 independent claims and no multiple dependent claims. Also attached is a copy of the Notice of Missing Requirements, including a copy of the accompanying Patent Application Fee Determination Record. Also attached is a copy of our fax to Examiner Campbell dated 5 December 2001 which included a copy of the International Preliminary Examination Report and amended pages included with the previous Article 34 Amendment, including the amended claims pages which evidence that none of the pending claims is a multiple dependent claims, that the number of total claims is 25 and that the number of independent claims is 4. Also attached is a copy of the official Filing Receipt mailed 31 January 2002 showing the total fees paid as \$1,624 and erroneously showing that the total number of claims is 22.

Please refund the erroneous overcharge of \$324.00. Once the refund has been made, please issue a corrected Filing Receipt showing the fees paid as \$1,300, the number of total

**Serial No.:** 09/869,544  
**Filing Date:** 22 June 2001

claims as 25 and the number of independent claims as 4. Please credit the refund to our Deposit Account No. 06-1300 (our Order No. A-70685/MAK).

Should any questions arise or should the Commissioner require any additional supporting documentation, please do not hesitate to contact me or my secretary, Todd Leone, at (415) 781-1989.

Date: 10 July 2002

Respectfully submitted,

DORSEY & WHITNEY LLP

By: Michael A. Kaufman

Michael A. KAUFMAN

Reg. No. 32,998

Filed under 37 C.F.R. § 1.34(a)

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